

**WILLIAMSBURG CITY COUNCIL
JULY 13, 2006
MINUTES**

The Williamsburg City Council held its regular monthly meeting on Thursday, July 13, 2006, at 2:00 p.m., in the Council Chambers of the Stryker Building.

ATTENDANCE

Present were Messrs. Haulman, Chohany, Freiling and Braxton. Ms. Zeidler was absent because of the death of her father. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist.

Staff Attending: Assistant City Manager Miller, and Department Heads Clayton, Hudson, Nester, Serra, Yost, Weiler, and Walentisch.

CALL TO ORDER

Vice-Mayor Haulman called the meeting to order.

COUNCIL MINUTES

Mr. Freiling Moved That City Council Approve the Minutes of June 5 and June 8, 2006. The Motion Was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Haulman, Chohany

No: None

PUBLIC HEARINGS

PCR #06-012: Request of Verizon Wireless, Inc. for a Special Use Permit to Move an Existing High-Tension Utility Pole Located at 2229 Richmond Road (Sno-to-Go) and Increase its Height by 10 feet in Order to Install Antennas for Wireless Communications

Reference for this item was Mr. Nester's report dated July 5, 2006. Verizon Wireless is requesting a special use permit to move a Dominion Virginia Power existing high-tension pole located at 2229 Richmond Road, 35 feet further back from Richmond road and increase its height by ten feet. Antennas will be installed on the pole which is permitted by right in a B-2 District, but moving the pole requires a sup. Mr. Nester noted that there will be little visual impact from the relocation. The Planning Commission held a public hearing on this matter in June and recommended approval of the special use permit with three conditions.

Council members and Mr. Nester briefly discussed the amount of parking, time frame for removal of the old pole and size of the poles.

Vice-Mayor Haulman opened the public hearing.

Ms. Jennifer D. Rosen, with Hirschler Fleischer, representing Verizon, commended Mr. Nester's presentation. She said that 370 square feet of lease space in the existing building to

house Verizon's equipment and a generator pad at the rear of the building enclosed by a wooden fence.

Mr. Merle Baggert with Verizon Construction Engineering said it is the practice to move the old pole as soon as possible, usually within 60 to 90 days.

No one else wished to speak. The public hearing was closed.

Mr. Phillips confirmed that Council could add a condition to the approval that the old pole must be removed in a specific period of time and require a surety bond to ensure compliance. It could also stipulate that city staff be permitted to grant a reasonable extension. Council members supported this request, but agreed that this is a visually sensitive area and the pole must be removed in a specific period of time.

Mr. Tuttle added that experience with Dominion Virginia Power has proven that this has not been a problem in the past and the poles are quickly removed.

Mr. Freiling Moved that City Council Approve the Request of Verizon Wireless, Inc. for a Special Use Permit to Move an Existing High-Tension Utility Pole Located at 2229 Richmond Road (Sno-to-Go) and Increase its Height by 10 feet in Order to Install Antennas for Wireless Communications with the following conditions:

- 1. Construction in Accordance with the Final Site Plan Titled "Outlet-Electric Transmission Tower Co-Location," dated 4/13/06, prepared by Kimley Horn and Associates, Inc.*
- 2. Resolution of Minor Engineering Details to the Satisfaction of City Staff.*
- 3. Receiving Final Approval from Newport News Water Works Prior to Issuance of a Land Disturbing Permit.*
- 4. The Existing Pole be Removed Within 30 Days, and that a Reasonable Extension May Be Granted by Planning Department Staff.*

The Motion Was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Haulman, Chohany

No: None

Amendment to Quarterpath Community Development Authority and District, Proposed Ordinance #06-16

Reference for this item was Ms. Miller's report dated July 6, 2006, and notice of the required public hearing. Mr. Tuttle said that in May 2005, Council approved the establishment of a Community Development Authority and District for Riverside's "Quarterpath at Williamsburg" development. Mr. Tuttle provided a Powerpoint map of the area. The CDA will provide a vehicle to issue debt financing for infrastructure to be paid by assessments passed on to future property owners. Riverside is requesting to amend the CDA district to remove the RS-2 residential property (reducing the CDA District to 222 acres), and include only the mixed use Economic Development zoned land. It was the opinion of the city that it was not appropriate to place an assessment on future property owners. The city and developer will enter into a Memorandum of Understanding. Staff recommends approval of the request. Mr. Tuttle noted that representatives of Riverside were present.

Vice-Mayor Haulman opened the public hearing.

Mr. Alvin Anderson, Attorney, representing Riverside Healthcare, said that Mr. Tuttle has adequately and accurately addressed the requested change, and he had nothing to add.

No one else wished to speak. The public hearing was closed.

Council members and Mr. Tuttle discussed the financing mechanism for the CDA and how it will provide for quicker development of the property. Mr. Anderson said that research proves that people living in a mixed-use development are more accepting of assessments than those living in single family. Mr. Anderson said that rental property has not been considered for the development.

Mr. Chohany Moved That City Council Adopt Proposed Ordinance #06-16, An Ordinance Amending and Restating An Ordinance Creating the Quarterpath Community Development Authority, a Public Body Politic and Corporate and Political Subdivision of the Commonwealth of Virginia, and the Quarterpath Community Development Authority District in Accordance with the Virginia Water and Waste Authorities Act, Chapter 51, Title 15.2 of the Code of Virginia of 1950, as Amended. The Motion Was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Haulman, Chohany

No: None

(SEE ATTACHED ADOPTED ORDINANCE #06-16)

Finance Report

The Monthly Financial Report was received and ordered filed.

End of Fiscal Year Report

Mr. Serra presented Council members with the year-end financial report (see attached). He recapped revenues and expenditures and addressed upcoming auditing procedures, and addressed current property assessments, which increased overall about fourteen percent. Property values continue to increase. The city's revenue stream continues to shift to more dependence on real estate taxes rather than tourism. The city has ended the fiscal year with a surplus at this point; revenues were \$29.9 million and expenditures totaled \$28.8 million.

Council members, Mr. Serra, and Mr. Tuttle discussed revenues from the \$2.00 lodging tax and the parking garage operation. Council requested that Mr. Tuttle provide additional information about garage revenue and cost of operations, including the cost to service the debt. Mr. Chohany requested a report of occupancy flow at various times. Mr. Tuttle noted that usage of the garage continues to increase each year.

Mr. Braxton raised concern about understaffing at times at the Fire Station and the need for additional personnel, especially as new developments occur. Mr. Tuttle explained that when personnel are on call, this situation occurs, in all jurisdictions. That is why we participate in a mutual aid network. Additional personnel requirements are addressed during the yearly budget process. Mr. Tuttle said that certain revenues, such as EMS charges, are not earmarked for specific city operations, except when required by State Law. This gives Council flexibility to meet the city's needs through the budget process.

Mr. Haulman commented that the city needs to think about meeting future EMS needs and future revenue streams.

Mr. Freiling asked that Mr. Serra provide information about the impact of fuel costs on the city's bottom line. Mr. Serra noted that the 2007 fuel budgets have been increased over the 2006 budget.

Mr. Freiling pointed out that the city's investment in tourism marketing provides important revenues that help to keep real estate taxes low. He addressed the decline in \$2.00 lodging tax revenue and what it might indicate about the health and vitality of the city's tourism industry.

Council members appreciated Mr. Serra's report.

Mr. Haulman commented that High Street and Quarterpath at Williamsburg developments will help bring revenue generators into the city which will help to keep assessments and taxes down. The city needs to think about future revenue streams and how they might change. This community has an expectation of an exceptionally high level of service and we need to think about how we will continue to provide that service.

Monthly Operating Reports

The Monthly Departmental Operating Reports were received and ordered filed.

Endorsement of Riverside Health System's Certificate of Public Need Application, Proposed Resolution #06-20

Reference for this item was Ms. Miller's report dated July 6, 2006. Mr. Tuttle reported that the proposed resolution supports Riverside Health System's Certificate of Public Need application to build and operate Doctor's Hospital on the new Quarterpath of Williamsburg development. The application needs the permission of the State Commissioner of Health. Council previously adopted a resolution in support of the COPN. Mr. Tuttle said that representatives of Riverside are present to answer any questions of Council.

Mr. Freiling asked Mr. Montgomery to explain the proposal.

Mr. Steve Montgomery, with Riverside Health System, explained that he has the responsibility of getting Doctor's Hospital approved. In Virginia, the COPN process is very structured and cannot be negotiated with the Commission. Mr. Montgomery said that this application will address the Commissioner's concern about increasing the overall number of acute care (short term stay) beds. Riverside will reduce the number of rehab beds at Riverside from twenty to twelve, keep the same number of acute care beds by relocating beds, and close 36 surgical beds, which will result in a net reduction of hospital beds in Virginia. Riverside will finance this project out of pocket—there will be no debt financing. They have made a "charity care" commitment in the amount of 2.2% of gross revenues.

Mr. Freiling said that it was unfortunate that Riverside must struggle to provide this hospital service to Williamsburg.

Mr. Chohany Moved That City Council Adopt Proposed Resolution #06-20, Endorsing the Riverside Health System Certificate of Public Need. The Motion Was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Haulman, Chohany

No: None (SEE ATTACHED ADOPTED RESOLUTION #06-20)

Request for Proposals for Banking Services

Reference for this item was Mr. Tuttle's report dated July 1, 2006. Mr. Serra reported that the city has received good service from SunTrust Bank (and its predecessor) for 25 years. Because banking products have changed so much, it is recommended that the city request proposals for a new contract in order to receive the best value for the city. Council members received a copy of the RFP, and Mr. Serra reviewed the services that will be requested. He noted that investments are covered in a separate contract.

Council members concurred that the city is responsible to make sure that the city is getting the best deal for this service.

Mr. Freiling Moved That City Council Authorize the Issuance of the Proposed Request for Proposals for Banking Services, Initiating a Review Process Leading to a Contract for Banking Services. The Motion Was Seconded by Mr. Braxton.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Haulman, Chohany

No: None

Amendment to the City Code Pertaining to Nuisances, Proposed Ordinance #06-17

Reference for this item was Ms. Miller's report dated July 6, 2006. Mr. Phillips reported that the General Assembly amended the state code to give the city the authority to enforce grass and weed maintenance on occupied property. The proposed amendment to the City Code will provide for the enforcement of cutting grass and weeds on occupied and vacant property in the city. Mr. Phillips said that any expenses incurred by the city to enforce the code could be recovered by placing a lien on the property.

Mr. Braxton Moved That City Council Adopted Proposed Ordinance #06-17, An Ordinance to Amend and Restate Section 12-12 of Article III, Chapter 12 of the Williamsburg Code Pertaining to Nuisances. The Motion Was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Haulman, Chohany

No: None (SEE ATTACHED ADOPTED ORDINANCE #06-17)

Appointments to Boards and Commissions

*Mr. Chohany Moved that City Council Reappoint **Mr. Phil Serra**, to the Middle Peninsula Juvenile Detention Commission for a four-year term to expire June 30, 2010; and*

*Reappoint **Mr. Frank Tillman** to the Citizens Telecommunications Advisory Committee for a two-year term to expire June 30, 2008; and*

*Appoint **Mr. Peter Walentisch** to the Colonial Group Home Commission to fill the unexpired term of Ms. Linda Clarke, to expire February 28, 2010.
The Motion Was Seconded by Mr. Freiling.*

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Haulman, Chohany

No: None

OPEN FORUM

Steve Montgomery, Riverside Health System, thanked Council for their support. He complimented city staff for their assistance. He announced that a community kickoff event in support of the COPN application will be held on July 14, 11:00 a.m. to 1:00 p.m. at the Community Building. He noted that Mr. Haulman will speak at the kickoff. At the event, Riverside Health System Foundation will present an award of grant to Lesslie Hall and Chief Weiler for the purchase of a rescue vehicle.

Vice-Mayor Haulman stated that the COPN is critical for this community and citizens have displayed overwhelming support for the application. Health care services and competition is critical.

The meeting adjourned at 3:20 p.m.

Approved: August 10, 2006

Mayor Jeanne Zeidler

Shelia Y. Crist
Clerk of Council